

July 29, 2016

HAND DELIVERY

Mr. Michael Rooney
Boston Redevelopment Authority
One City Hall Square, 9th Floor
Boston, MA 02201-1007

**Re: First Amendment to Development Plan for PDA No. 49--
Parcel 8 and the Adjacent Parcel, Boston, Massachusetts**

Dear Mr. Rooney:

In accordance with Section 80C-7 of the Boston Zoning Code (the "**Code**"), and on behalf of TDC Peabody Atelier, LLC (the "**Proponent**"), we are pleased to enclose for filing ten (10) copies of the First Amendment to Development Plan for Planned Development Area No. 49. In connection with this filing, please also find the following:

1. Fact Sheet (ten copies); and
2. Public Notice that the Proponent will place in the Boston Herald within the next five days, as required by Section 80A-2 of the Code.

We have also submitted an electronic copy of the First Amendment to Development Plan for Planned Development Area No. 49 and the Fact Sheet to you by e-mail concurrently with delivery of the enclosed hard copies.

We look forward to working with you toward the Authority's approval of the First Amendment to Development Plan for Planned Development Area No. 49. Please let either us know if any other information is required. We appreciate your assistance.

Cordially,



Marilyn L. Sticklor

Enclosures

cc: (with enclosures; by e-mail)
Ms. Marybeth Pyles, Esq. (BRA)
Mr. Jonathan Greeley (BRA)
Mr. Harold Dennis (Druker)
Ms. Morgan First (Wine Riot)

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**FIRST AMENDMENT TO DEVELOPMENT PLAN
FOR
PLANNED DEVELOPMENT AREA NO. 49
PARCEL 8 AND THE ADJACENT PARCEL**

South End, Boston, Massachusetts

Dated: _____, 2016

Pursuant to Section 3-1A and Article 80C of the Zoning Code of the City of Boston (the “**Code**”), this amendment constitutes the First Amendment to Development Plan for Planned Development Area No. 49 (the “**First Amendment**”).

I. THE EXISTING DEVELOPMENT PLAN FOR PDA NO. 49 AND PROJECT BACKGROUND

1. **Procedural History for Planned Development Area No. 49**

Pursuant to Section 3-1A of the Code, the Boston Redevelopment Authority (the “**Authority**”), by a vote taken on May 18, 2000, approved the Development Plan for Planned Development Area No. 49 (the “**Development Plan**”) describing a mixed-use project including residential, commercial/retail, cultural and parking uses (the “**Project**”). On June 28, 2000, the Zoning Commission of the City of Boston approved the Development Plan and Map Amendment No. 375 establishing Planned Development Area No. 49. The Development Plan and associated Map Amendment were approved by the Mayor and became effective on July 13, 2000.

Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Development Plan or the Code as in effect as of the date of the Development Plan, without giving effect to any subsequent amendments to the Code.

2. **Overview of the Site and Project**

The Site contains approximately 1.16 acres bounded by Tremont Street to the south, Warren Avenue to the north, Berkeley Street to the east and the Cyclorama to the west. As described more fully in the Development Plan, the Site has been improved by a mixed-use development that includes facilities of the Boston Center for the Arts, retail stores, restaurants/cafes, residential condominiums and an underground parking structure. The Site was owned by the Authority and was conveyed to TDC Peabody Atelier, LLC, a Delaware limited liability company, by virtue of a deed dated May 15, 2002 and recorded in the Suffolk County Registry of Deeds Book 28591, Page 342. The Project was submitted to a condominium regime under Master Deed dated July 7, 2004, recorded

with the Suffolk County Registry of Deeds on July 28, 2004 in Book 35119, Page 276; as affected by the Special Amendment to Master Deed, dated March 28, 2006, recorded in Book 39325, Page 261, and dated April 28, 2006, recorded in Book 39512, Page 306; as further affected by Amendment to Master Deed, dated September 19, 2006, recorded in Book 40764, Page 102; as affected by Scrivener's Affidavit, dated November 27, 2006, recorded in Book 40807, Page 320; as further affected by Affidavit, dated January 18, 2007, recorded in Book 41189, Page 255.

II. FIRST AMENDMENT TO DEVELOPMENT PLAN

1. Applicant.

TDC Peabody Atelier, LLC is the owner of the commercial unit of the Atelier 505 Condominium, situated at 505 Tremont Street, Boston, Massachusetts.

2. Revised Exhibit D, Section A.

This First Amendment amends Exhibit D, Section A of the Development Plan to add the following Proposed Use: Liquor Store.

A revised text of Exhibit D is attached hereto, which shall be substituted for Exhibit D of the Development Plan.

EXHIBIT D (as revised by First Amendment to Development Plan)

PROPOSED USES AND DIMENSIONS

A. Proposed Uses

Automatic Teller Machine	Bank
Art Gallery	Art Use
Auditorium	Cinema
Concert Hall	Museum
Public Art, Display Space	Studios, Arts
Studios, Productions	Theater (500 seats or less)
Theater (greater than 500 seats)	Ticket Sales
Artist Mixed Use	Agency or Professional Office
General Office	Multi-Family Dwelling
Take-Out Restaurant (small)	Take-Out Restaurant (large)
Restaurant	Bakery
General Retail Business	Local Retail Business
Photographer Studio	Parking Garage
Liquor Store	
Accessory Art Use	Accessory Cultural Uses
Accessory Offices	Accessory Outdoor Café
Accessory Parking	Accessory Retail
Accessory Services for Apartments and Hotel Residences	

and

All other uses allowed as of right in Community Facilities Subdistricts pursuant to Table A of Article 64 of the Zoning Code of the City of Boston, Massachusetts.

B. Dimensions

Maximum Floor Area Ratio	5.0
Maximum Building Height*	110 feet
Minimum Building Height	none
Minimum Lot Size	none
Minimum Lot Area Per Dwelling Unit	none
Minimum Usable Open Space Per Dwelling Unit	none
Minimum Lot Width	none
Minimum Lot Frontage	none
Minimum Front Yard	none
Minimum Side Yard	none
Minimum Rear Yard	none

*not including unoccupied rooftop structures

FACT SHEET

**FIRST AMENDMENT TO DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT AREA NO. 49**

PARCEL 8 AND THE ADJACENT PARCEL

This Article 80C Submission documents the Planned Development Area Amendment process under Article 80C and provides a background for the First Amendment to the Development Plan for Planned Development Area No. 49. A copy of the application for the First Amendment to the Development Plan for Planned Development Area No. 49 is submitted herewith.

PROPONENT The Proponent is TDC Peabody Atelier, LLC, a Delaware limited liability company, the owner of the commercial condominium unit at 505 Tremont Street, Boston, Massachusetts.

PDA SITE The PDA Site contains approximately 1.16 acres bounded by Tremont Street to the south, Warren Avenue to the north, Berkeley Street to the east and the Cyclorama to the west.

**FIRST AMENDMENT
TO DEVELOPMENT
PLAN FOR PDA NO.
49** The First Amendment to Development Plan for Planned Development Area No. 49 replaces Exhibit D of the Development Plan for Planned Development Area No. 49 with a new Exhibit D that includes an additional Proposed Use in the PDA Site.

LEGAL NOTICE

The Boston Redevelopment Authority (“**BRA**”), pursuant to Article 80 of the Boston Zoning Code, hereby gives notice that a First Amendment to Development Plan for Planned Development Area No. 49 (“**First Amendment to Development Plan**”) pursuant to Section 80C-7 was submitted on July 29, 2016 by TDC Peabody Atelier, LLC. The First Amendment to Development Plan adds an additional Proposed Use to the Development Plan for Planned Development Area No. 49. Approvals are requested of the BRA pursuant to Article 80 to approve the First Amendment to Development Plan and to authorize the Director of the BRA to petition to the Zoning Commission to approve the First Amendment to Development Plan. The First Amendment to Development Plan may be reviewed at the Office of the Secretary of the BRA, Room 910, Boston City Hall, Boston, MA 02201 between 9:00 AM and 5:00 PM, Monday through Friday except legal holidays. Public comments on the First Amendment to Development Plan including the comments of public agencies, should be submitted in writing to Michael Rooney, Project Manager, at the address stated above by September 12, 2016.

BOSTON REDEVELOPMENT AUTHORITY
Teresa Polhemus, Secretary